

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed March 3, 2006 (“Office Action”). Applicants appreciate the Examiner’s consideration of the Application. Claims 1-32 are pending. Claim 32 is allowed, Claims 12, 19, and 27 are objected to, and Claims 1-11, 13-18, 20-26, and 28-31 are rejected.

In order to advance prosecution of this Application, Applicants have responded to each notation by the Examiner. Applicants respectfully request reconsideration and favorable action in this case.

Allowable Subject Matter

The Examiner indicated that Claims 12, 19, and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. (Office Action, page 9.) Claims 12 and 27 have been amended to include the limitations of the base claim and any intervening claims. Accordingly, Applicants respectfully request allowance of Claims 12 and 27.

The allowable subject matter of Claim 19 has been incorporated into independent Claims 1, 15, and 30. Accordingly, Applicants respectfully request allowance of amended independent Claims 1, 15, and 30, along with their respective dependent claims.

Applicants appreciate the Examiner’s allowance of Claim 32. Applicants, however, have amended Claim 32, and respectfully request allowance of amended Claim 32.

Sections 102 and 103 Rejections

The Examiner rejects Claims 1, 15, and 30 under 35 U.S.C. § 102(a) as being unpatentable over U.S. Patent Application Pub. No. 2003/0002594 of Harel et al. (“*Harel*”). The Examiner rejects under 35 U.S.C. § 103(a): Claims 2 and 16 as being unpatentable over *Harel* in light of U.S. Patent No. 5,701,595 to Green, Jr. (“*Green*”); Claims 3 and 17-18 as being unpatentable over *Harel* in light of an Official Notice; and Claim 4 as being unpatentable over *Harel* in light of U.S. Patent No. 6,865,377 to Lindskog et al. (“*Lindskog*”). Applicants respectfully traverse these rejections for the reasons discussed below.

As discussed above, the allowable subject matter of Claim 19 has been incorporated into independent Claims 1, 15, and 30. Accordingly, Applicants respectfully request allowance of amended independent Claims 1, 15, and 30, along with their respective dependent claims.

The Examiner rejects under 35 U.S.C. § 103(a): Claims 5, 7-11, 13-14, 20, 22, 24-26, 28-29, and 31 as being unpatentable over *Harel* in light of U.S. Patent No. 5,960,330 to Azuma (“*Azuma*”) and an Official Notice; and Claims 6, 21, and 32 as being unpatentable over *Harel* in light of *Green* and *Azuma*. Applicants respectfully traverse these rejections for the reasons discussed below.

Applicants respectfully submit that the combinations of references proposed by the Examiner fails to disclose, teach, or suggest the elements specifically recited in Applicants’ claims, as amended. For example, the proposed combinations fail to disclose, teach, or suggest the following as recited in amended Claim 5:

selecting for each transmit signal at least one gain path from a plurality of gain paths according to the gain path selection of the control signal, each gain path of the plurality of gain paths comprising one or more amplifiers operable to yield at least one gain of a plurality of gains, a first gain path of the plurality of gain paths comprising one or more first amplifiers operable to yield a first gain of the plurality of gains, a second gain path of the plurality of gain paths comprising one or more second amplifiers operable to yield a second gain of the plurality of gains, the second gain different from the first gain.

The Examiner admits that *Harel* fails to provide such teaching. (Office Action, page 5.) Moreover, *Azuma* fails to provide such teaching. *Azuma* discloses a diversity branch selector that ***selects a path between a transmitter and an antenna*** based on the signal strength of received signals:

When this occurs, control logic 8 enables the diversity branch selector 7 to cause it detect [sic] the RSSI signal of highest value. Diversity branch selector 7 operates one of the diversity switches 3 to connect the transmitter 4 to the antenna at which the highest strength signal is being received.

(*Azuma*, column 3, lines 11-16.) According to *Azuma*:

When one of the antennas is selected as the best path for receiving the multipath component of highest strength, the transmitter 4 is connected to the selected antenna for transmission of downlink traffic signals on TCH time slots.

(*Azuma*, column 3, lines 26-29.)

Azuma also discloses *setting the gain of the transmitter to avoid interference after selecting the path*:

While diversity reception is desirable, the transmit diversity gain is undesirable from the interference viewpoint since downlink signal propagates beyond the reachable extent of downlink control signal that delineates the cell boundary of the base station. To prevent this interference problem, when a connection is established, control logic 8 sets the gain of transmitter 4 to a level lower than the gain used for sending the control signal so that the downlink traffic signal sent to the requesting mobile user does not propagate beyond the boundary of the cell.

(*Azuma*, column 3, lines 37-46.)

That is, *Azuma* discloses *selecting a path between a transmitter and an antenna and then setting the gain of the transmitter*, but not selecting a path associated with a particular gain. Consequently, the *Harel-Azuma* combination proposed by the Examiner fails to disclose, teach, or suggest “selecting for each transmit signal at least one gain path from a plurality of gain paths according to the gain path selection of the control signal, each gain path of the plurality of gain paths comprising one or more amplifiers operable to yield at least one gain of a plurality of gains, a first gain path of the plurality of gain paths comprising one or more first amplifiers operable to yield a first gain of the plurality of gains, a second gain path of the plurality of gain paths comprising one or more second amplifiers operable to yield a second gain of the plurality of gains, the second gain different from the first gain,” recited in amended Claim 5.

Accordingly, amended independent Claim 5, together with its dependent claims, is allowable. For analogous reasons, amended independent Claims 20 and 31, together with their respective dependent claims, are allowable. Accordingly, Applicants respectfully request allowance of Claims 20 and 31, together with their respective dependent claims.

Official Notice

The Examiner takes Office Notice of the integration of “multiple components using the same substrate” in the rejection of Claims 3 and 17-18. (Office Action, page 4.) Applicants respectfully request that the Official Notice be limited to such integration, and that such integration does not disclose, teach, or suggest the elements of Claims 3 and 17-18, especially in light of the amendments discussed above.

The Examiner takes Office Notice of "different power classes" in the rejection of Claims 9-11. (Office Action, page 6.) Applicants respectfully request that the Official Notice be limited to such power classes, and that such power classes do not disclose, teach, or suggest the elements of Claims 9-11, especially in light of the amendments discussed above.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all the pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Keiko Ichiye, the Attorney for Applicants, at the Examiner's convenience at (214) 953-6494.

The Commissioner is hereby authorized to charge the amount of \$200.00 for the cost of two additional independent claims to Deposit Account No. 02-0384 of Baker Botts L.L.P. Although Applicants believe no other fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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